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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9108/2015**

KAILASH CHAND

..... Petitioner

Through: Mr Tungesh, Mr Akhand Pratap Singh
and Mr Vijay Vikram, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Abhay Prakash Sahay, CGSC with
Mr Deepak Gupta and Mr Manish Kumar Gupta,
Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **23.09.2015**

CM No.20699/2015 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 9108/2015

The petitioner seeks a direction to respondents that his name be included in the list of individuals declared successful in the selection process for recruiting Constable (GD) in forces such as BSF, CISF, CRPF and SSB. Apparently, 49080 vacancies were advertised for being filled. The petitioner claims to have participated and secured 58 marks. The petition avers that he is an ST category candidate; however, the counsel submits that the averment is inaccurate and the petitioner is actually an OBC candidate. The Select List was published in two lots, i.e., 18.11.2011 and 28.11.2011—the first list

declaring 872 successful female candidate and the second declaring 44152 successful male candidates. The petitioner was declared unfit in the medical examination. He apparently applied for fresh medical examination which was conducted subsequently. This time he was declared successful.

The averments in the writ petition disclose that two further Select Lists were published on 16.03.2012 and 06.07.2012—containing the names of 194 and 1881 candidates respectively. It is submitted that the petitioner is more merited and that his name has been wrongly excluded. Counsel points out that the petitioner has repeatedly represented to the respondents for including his name and that even his attempts to secure information have not been successful till date.

As is evident from the factual narrative, nearly 49,000 vacancies were advertised in 2011. The results of the recruitment process were first published in November, 2011, i.e., almost four years back. Some candidates on account of medical unfitness, being re-appraised through Boards, the list had to be modified—the revised list was published, including the newer names in March and July, 2012. The petition itself discloses these facts. Given these circumstances, this Court is of the opinion that the present petition suffers from inordinate delay and laches. The petitioner was aware that he was excluded as far back as 2012, but he has articulated his grievance only now. The claim for inclusion in the Select List, if acceded to, at this stage can lead to chaos and certainly unintended consequences. The

averments would show that thousands of candidates were selected and had been appointed. They would have undergone training—in all probability and overwhelming number of them would have been declared successful and completed that period of probation. If at this stage the petitioner's requests were to be acceded to and respondents were directed to consider his case, the Court's order would definitely lead to disturbing settled rights.

In view of the above, this Court holds that the petition is not maintainable and is accordingly dismissed on the ground of delay and laches.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 23, 2015
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